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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,048	08/18/2003	William F. Lauersdorf	FIB 0093 12/14309	3112

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EXAMINER

MUSSER, BARBARA J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/643,048

Applicant(s)

LAUERSDORF ET AL.

Examiner

Barbara J. Musser

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

ATTACHMENT

Regarding applicant's argument that Skogman is directed to an open mold process which Campanella et al. is directed to a closed mold process so they are not combinable, Skogman is used to show that the skin laminate(barrier coat) is typically cured prior to application of the fiber reinforcement. This curing is unrelated to whether the mold is an open mold or a closed mold. Campanella teaches that layers can be cured prior to closing of the mold such as the gel coat. Both Campanella(Abstract; Col. 1, ll. 20)) and Skogman(Col. 2, ll. 40-41; Col. 5, ll. 27-37) are not only directed to fiber reinforced thermosetting resin composites which are formed using a gel coat and barrier material, but also are directed to making a skin for a boat hull. While one is open mold and the other is closed mold, the two form very similar products using similar layers, i.e. gel coat, skin laminate(barrier composition), fiber reinforcement, etc. Therefore, one in the art would look to a related reference to determine when the barrier layer is cured in Campanella. Examiner is not combining the open mold process of Skogman with the closed mold process of Campanella but rather using Skogman to determine when a layer of material in the same type of process as Campanella is conventionally cured.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the composition of Parish in combination with the continuous strand fiber mat of Campanella and Skogman as the skin laminate of Campanella et al. since the composition uses a minimum of volatile solvents and can enhance the surface appearance of composites(Col. 3, ll. 20-42) which is desired by Campanella et al. which discloses that the purpose of skin laminates is to improve the surface smoothness of the product(Col. 5, ll. 32-33) and to use this in combination with the strand fiber mat disclosed in Campanella since it might be difficult to evenly apply a composition containing the high fiber content desired by Campanella.(Col. 5, ll. 43-47)

Regarding applicant's argument that Campanella desires a high fiber content and Parish does not contain fiber, Campanella discloses the fiber can be a fiber mat. Clearly this passage would suggest to one in the art that the fibers are not required to be part of the composition. Therefore the product of Campanella would still have the high fiber content from the preformed fiber mat while utilizing the composition of Parish which does not contain fibers. Since the fibers can be a mat, they are not required to be part of the composition of material which is applied to barrier layer since as a preformed mat they would have been applied to the barrier layer prior to application of the composition.

Regarding applicant's argument that Campanella does not disclose that it might be difficult to evenly apply a high fiber content, examiner is not suggesting that Campanella discloses it is difficult to apply a high fiber content but rather that it is

desirable to apply a high fiber content. However, since the reference teaches the fiber can be a premade mat or fibers, the reference clearly realizes that one may be desirable more than the other. One in the art would appreciate that either type of fiber layer in Campanella could be used and that the mat may be more desirable since high particulate/ fiber concentrations are known in general to clog sprayers.

Regarding applicant's argument that the examiner indicates that Campanella discloses a partially cured barrier laminate, examiner would like to apologize for the error and intended to refer to the partially cured gel coat rather than suggest that Campanella teaches a partially cured skin laminate. The grounds for rejection have not been materially altered.

Regarding applicant's argument that Comstock's composition require pressure to cure it since it is a sheet molding compound, the reference does not disclose it is only a sheet molding compound, but rather that it can be used as one. Since the composition contains the same general range of materials as applicant's, it is considered to be usable in the same type of processes as applicant's, namely an open mold process. Additionally, the claim does not indicate the mold is not closed to cure the barrier composition and then opened to apply the fiberglass reinforcement and resin. Applicant has not shown that this type of compound cannot be cured in an open mold. The composition does not appear to have any characteristics which would preclude it being cured in an open mold. The only indication of the material being under pressure during curing is an example, and an example does not indicate the entirety of the invention as envisioned by applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571) 272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BJM



SAM CHUAN YAO
PRIMARY EXAMINER